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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3819 OF 2007

Mohd.Kalim s/o Mohd.Salim Qureshi .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.Shirish Gupte i/b M. Kocharekar for petitioner.

Mr.Rajesh More APP for the State.

CORAM : D.G.KARNIK, J

DATED : 17th December 2007

P.C.:

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is seeking bail in C.R. No.269 of 2007 registered with MIDC Police station for the offences punishable under section 454, 457, 380, 411 and 414 of the IPC. On 19th May 2006 in the night between 19th and 20th May 2007, some

unknown persons committed theft in Shankar Jewellers Limited, G-18, Gems and Jewellers Complex, IInd Seepz M.I.D.C.Andheri Mumbai 400 096 and gold ornaments worth more than Rs.One crore were stolen. After investigation, the police arrested the petitioner on 6th June 2007. Other co-accused were also arrested in the month of June on different dates. Gold ornaments worth more than Rs.12 lakhs were recovered from the co-accused Mohd. Raees Mohd Saeed Qureshi. Gold ornaments worth about Rs.23 lakhs were recovered in pursuance of a discovery made by the petitioner u/s.27 of the Evidence Act. Thereafter there is no further recovery though the petitioner is in custody from 6th June 2007. Investigation vis-a-vis the petitioner is complete.

3. The previous application made by the petitioner to the Sessions Judge vide Bail Application no.1383 of 2007 was rejected on the ground that the house breaking and disposal of the property was done in a professional manner and considering the address of the petitioner, he may jump the bail and may not be available for trial.

4. Learned counsel for the petitioner submitted that the petitioner has permanent place of residence at Ghatkopar (West) at the address

mentioned in the title of the bail application. Same address was mentioned in the criminal application for bail made to the Sessions Judge. The petitioner was also arrested from the same address. Learned APP, on instructions of the I.O. who is present in the court submits that petitioner has permanent place of residence at Ghatkopar at the address mentioned above. In the circumstances, the apprehension that the petitioner is likely to abscond by looking to his address is misplaced.

5. The other co-accused Mohd Raees s/o Mohd.Salim Qureshi has been granted bail by this court by an order dated 11th September 2007 passed in Criminal Application no.2893 of 2007. Petitioner is also entitled to bail on parity. In the circumstances, I pass the following order:-

O R D E R

. The petitioner be released on bail in the sum of Rs.1 lakh with two sureties to make up the said amount subject to the following conditions:-

i) Petitioner shall report to the MIDC police station once in a fortnight i.e. 1st and 3rd Monday of British calendar month.

ii) Petitioner shall not directly or indirectly make any inducements or threat to prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

. Breach of any of the conditions shall result in cancellation of bail order.

(D.G. KARNIK, J)